

**MINUTES OF THE REGULAR MEETING  
OF THE LA SALLE CITY COUNCIL  
June 18, 2018**

**A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, June 18, 2018 at 7:00 p.m. with Mayor Jeff Grove presiding with proper notice being duly and continuously posted.**

The meeting was called to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present-** Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

**Absent:** None

A quorum was present.

**APPROVAL OF MINUTES**

Moved by Alderman Demes and seconded by Alderman Reynolds that the minutes of the regular City Council meeting and Public Hearing held on Monday, June 4, 2018 are accepted and placed on file. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**PETITIONS**

Alderman Ptak stated that although there are many worthy charities that come forward seeking donations from the City and the denials may seem harsh, this council has the belief that we should not be donating taxpayer money to charities, since we are operating on a limited budget. Mayor Grove stated that the council has followed this policy for the last ten years, but it is always good to remind the public the reasoning behind this policy.

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept the recommendation of the Finance Committee and deny the request from Carol Fesco on behalf of the Horizon House for a monetary donation to the "Road to Independence" campaign in order to remain consistent with current donation practices. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept the recommendation of the Finance Committee and deny the request from Allison Nichols on behalf of Special Olympics Illinois Region A for a monetary donation to its 16<sup>th</sup> Annual Auction being held on Thursday, August 2, 2018 at Senica's Oak Ridge in order to remain consistent with current donation practices. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Demes and seconded by Alderman Reynolds to grant the request of Ameren Illinois to break ground at Chartres Street from south side of railroad tracks at First Street south to Canal Street and east and west to Buckman's and QLF. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**REPORTS OF CITY OFFICERS**

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept and place on file the Treasurer's Report for May 2018 showing total cash balances in the La Salle State Bank of \$3,972,308.03 and in Hometown National Bank of \$5,192,224.68. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Lavieri and seconded by Alderman Schneider to accept and place on file the Building Inspector's Report for May 2018 showing total fees collected of \$5,706 with total value of construction of \$5,726,883. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Herndon and seconded by Alderman Lavieri to accept and place on file the Monthly Police Income Report for May 2018 showing total fees collected of \$6,807.03. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**COMMUNICATIONS**

Moved by Alderman Ptak and seconded by Alderman Reynolds to accept and place on file the Illinois Department of Revenue Report showing sales tax collected for March 2018 of \$79,457.71 and referendum approved sales tax of \$34,358.28 for a total of \$113,815.99. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

**STANDING COMMITTEES**

Attorney McPhedran reported that the Zoning Board of Appeals met earlier in the evening to hear the petition of the Robey's for a rear yard variance. There were no objectors present. Several representatives of the City were present including the City Engineer, City Clerk and himself. A few questions were asked and answered by Mr. and Mrs. Robey. They indicated that they will have a survey done and acknowledged that they agreed with the Engineer's recommendation to request a variance of 10 feet. The board members were unanimously in favor of granting the variance.

Moved by Alderman Schneider and seconded by Alderman Herndon to accept and place on file the recommendation of the Zoning Board of Appeals regarding the petition of Timothy and Cheryl Robey for a variance to the rear yard setback from 25 feet to 10 feet for premises commonly known as 1365 Tonti Street related to the use and construction of a new garage. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Regarding the request from Laura Borowiec, Alderman Bacidore stated that it is was the recommendation of the Streets, Alleys and Traffic Committee to deny the request. The committee recommended that Ms. Borowiec call the police if anyone is parked behind her driveway. If the problem continues, she was told to come back to the City. She was also asked to cut her grass.

Moved by Alderman Bacidore and seconded by Alderman Schneider to accept the recommendation of the Streets, Alleys and Traffic Committee to deny the request of Laura

Borowiec, resident of 660 Bucklin for “No Parking” signs on the north side of 7<sup>th</sup> Street between Bucklin and Wright Streets and on the south side of 7<sup>th</sup> Street near the driveway of her residence.

Voice vote, all ayes. Motion carried.

### **OLD BUSINESS**

Alderman Schneider stated that he has received numerous comments from the public over the last two weeks expressing concern about golf carts possibly being allowed within the city. He stated that the general sentiment was that it was a terrible idea and difficult to understand why the council would consider permitting golf carts. In addition, he reached out to the personal lines department at the insurance agency he is employed by and noted that from an insurance standpoint, although all companies are different, most insurance companies would not approve of golf carts being allowed on the roadways. He added, that although the city could ask for a certificate of auto liability, that would not guarantee coverage by the insurance company for that golf cart. Knowing this, Alderman Schneider stated that he was not comfortable sharing the roadway with someone who could cause an accident for him and not have insurance coverage for a claim, therefore he is 100% against this ordinance.

Alderman Reynolds agreed with Alderman Schneider.

Alderman Lavieri stated that he only received one call and the resident opposed the idea. Alderman Lavieri stated that the council could allow them during City celebrations within a specified area. Mayor Grove stated we have allowed them for people working at the festivals, but inquired if the council was in favor of allowing the general public to use them during special events. Alderman Schneider stated that he was not in favor of this.

It was moved by Alderman Schneider and seconded by Alderman Reynolds to deny the approval of an Ordinance Amending Title IX: General Regulations of the La Salle City Code Regarding Further Regulating the Use of Certain Non-Highway Vehicles (Golf carts and All-Terrain Vehicles.) Each and every alderman has a copy.

Prior to a vote being taken, Attorney McPhedran indicated that the reason you do not see golf carts in many communities, is because State Statute 625 ILCS 5/11-1426.1 indicates that absent a village or city giving permission by ordinance for these types of vehicles, they are not allowed on roadways. He added that there are a few exceptions in the statute that pertain to the use of ATVs for snow removal or lawn removal, and there are some provisions for golf carts in regard to insurance and equipment requirements. This same statute gives villages and cities the authority to grant the allowance of golf carts with certain restrictions and limitations as provided in the statute. He clarified that Alderman Schneider’s motion suggests that the city will continue to follow the State Statute and prohibit the use of these vehicles. A NAY vote in this case would mean the alderman is in favor of the allowing golf carts.

The Clerk began taking roll with Alderman Demes voting NAY. Alderman Bacidore voted AYE. Alderman Ptak voted AYE. Alderman Reynolds voted NAY. When asked if Alderman Reynolds meant to vote in favor of allowing golf carts, he said he did not. Therefore, due to confusion on the motion, Alderman Schneider withdrew his original motion to deny the approval of the ordinance allowing golf carts and Alderman Reynolds withdrew his second.

It was then moved by Alderman Demes to approve the ordinance allowing golf carts. For lack of a second, the motion failed.

In regard to potential action on an Ordinance Amending Title XI: Business Regulations of the La Salle City Code Regarding Further Regulating Mobile Food Vendors within the City of La Salle and related matters. Attorney McPhedran stated that we already have an itinerant merchant ordinance in place that allows mobile food trucks/carts in certain locations provided that they get a permit, but at present there is a question as to whether these types of food vendors can be in permanent fixed locations whether on city or private property. Attorney McPhedran researched some current litigation in the appellate court involving a food vendor who filed against the City of Chicago on a similar debate. This litigation revolved around restrictions the City of Chicago has on food trucks vendors which limits their operation on the city streets. The city these types of vendors to be located at least 200 ft. from a brick and mortar restaurant and limits the amount of time a vendor can be parked to no more than two hours. The appellate court upheld Chicago's right to enforce these restrictions because of their home rule rights. However, the Illinois Supreme Court has now taken the case, therefore further decisions could come down on this matter. The case does mention that home rule municipalities have a legitimate interest in protecting their brick and mortar businesses, but municipalities must also have a rational basis for the restrictions included in ordinances. He added that although this case was not exactly like our situation, it did have some similarities so he wanted the aldermen to have the background on it.

Attorney McPhedran had prepared a draft ordinance for this evening's meeting as a starting point for discussion concerning food carts/food truck vendors who desire to operate from a fixed location for a certain period of time.

Alderman Duncan asked if the draft ordinance pertained to food trucks or food carts. Attorney McPhedran stated it was for both.

Alderman Demes stated that he does not think we should allow food carts and trucks in our business districts (south of 11<sup>th</sup>) which would protect both our downtown businesses and those on 8<sup>th</sup> Street. He indicated that he is fine having them at special event functions held downtown or in the parks, but does not believe we need them competing with our brick and mortar businesses. Alderman Schneider agreed.

The general sentiment of the aldermen was that these food vendors should not be allowed to sell in city parks with the exception of during special events since leagues and the pool rely on concession income. The amended ordinance would not affect current ice cream trucks and businesses like Schwans.

Mayor Grove stated that at certain larger employers that do not have on-site food service available, utilize these types of food trucks to come on site to sell food during certain breaks. Attorney McPhedran stated that this would not be affected because typically these locations are in commercial zoning.

Alderman Lavieri stated that the draft ordinance states these food vendors cannot be located closer than 500 feet from an established fixed business. Alderman Lavieri suggested it should be revised to read "food service" businesses. Attorney McPhedran agreed and stated that he would make that change.

It was concluded that Attorney McPhedran would re-draft the ordinance to include the following points:

- Food carts/food trucks can operate only in Commercial and M-1 Zoning north of 11<sup>th</sup> Street.
- Food carts/trucks cannot be located less than 200 feet from an established food service business. This is to be consistent with the Chicago case that was upheld.
- Food carts/trucks will not be allowed to operate in city parks with the exception of City festivals and events with council approval.

Alderman Duncan then asked if there were enough members of the council who were in favor of prohibiting these types of food vendors from operating at all.

Attorney McPhedran responded by saying that he thinks there could be an issue if the council were to totally eliminate these types of vendors. He continued by stating that the city does have the right to protect against nuisances by regulating things such as aesthetics and the appearance of these types of vendors. He added that if the council does choose to prohibit food carts/trucks, then there must be amendments to the itinerant merchant ordinance as well as the Zoning Ordinance.

Alderman Reynolds stated that he is against it all together. He stated that if he had a brick and mortar business serving food, he would not want others selling when it was convenient for them to make extra money.

Alderman Ptak stated that it sounds as if some restrictions need to be implemented in order to prevent vendors from operating in certain locations as well as insuring some type of fee is established for these types of vendors.

Mayor Grove asked if the City from a legal standpoint has to allow these vendors to operate. He stated that it seems the consensus of the council is that they do not want to have them at all. Attorney McPhedran stated that if that is the case, then the ordinances will need to be clarified stating that these types of vendors are not allowed, however some vendors may need to be grandfathered in. Attorney McPhedran specifically referenced the Bean Box.

Attorney McPhedran indicated that he can include the rational basis for this decision in the proposed ordinance which could include the city's desire to protect brick and mortar restaurants, concerns about safety, concerns about timely inspections which would ensure the quality and safety of food being served, concerns about aesthetic appearance of these types of vendors in certain locations, as well as potential difficulty in collecting sales tax.

Moved by Alderman Demes and seconded by Alderman Reynolds to have Attorney McPhedran draft an ordinance prohibiting the operation of food carts and mobile food trucks parked in fixed locations on public or private property, including city parks with the exception of festivals and events with City Council approval.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Alderman Herndon stated that his vote against these type of food vendors shows that we support our businesses in town.

Alderman Bacidore expressed concerns about the garbage service and asked if the City has a plan to address these continuing issues. Mayor Grove stated that the City has met with

representatives of Republic of several times and they are working on a plan to improve service to the City. Representatives of Republic will be in attendance at the next City Council meeting in order to respond to questions from the aldermen and address concerns from the public.

### **NEW BUSINESS**

Moved by Alderman Ptak and seconded by Alderman Reynolds to accept and place on file IDOT Compliance Review #71 covering receipt and disbursement of Motor Fuel Tax funds by the City for the period beginning January 1, 2016 and ending December 31, 2017. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Ptak and seconded by Alderman Schneider to grant the request of Ryley Bunzell on behalf of The Study, LLC for a Redevelopment Incentive Program grant totaling \$4,487 for premises located at 414 First Street. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Herndon, Schneider

NAY: Alderman Duncan Absent: None Abstain: None

**Motion Carried 7-1**

**\*\*Alderman Duncan stated that he is not in favor of RIP grants covering awnings and advertising signs.**

Mayor Grove welcomed the Bunzell's to town and wished them well with their new business in the old Bartley's restaurant.

Mayor Grove thanked Lynda Kasik for extending pool hours to 7 p.m. due to the hot weather this past weekend.

Mayor Grove updated the council on potential sites for the shared police services. One location is in Oglesby near IVCC and the other at the old Jewel site in Peru. Mayor Grove stated that La Salle did not submit a location because none were centrally located. No formal decision has been made yet in regard to a site. Mayor reminded everyone that all Shared Services meetings are open to the public and are posted on our website and at City Hall. It is the goal to remain transparent and to keep the public informed. Meetings will continue to be held in different venues to keep the public informed. The operational format with combined police services is of utmost importance and Mayor Grove stated that for the City of La Salle the end of the year will be our deadline to make a decision if we will continue to move forward.

Mayor Grove stated that Celebrate La Salle will be held from June 21-24, 2018. Alderman Schneider inquired if the parking lot at 2<sup>nd</sup> and Wright Street will be striped. City Engineer Brown said it will be striped after Celebrate La Salle.

Alderman Schneider if it would be possible to seek volunteers to repaint striping on parking spaces that are worn out in the downtown area. Mayor Grove stated that we could consider this as long as the City Engineer ensures the proper supplies are used.

### **ORDINANCES/RESOLUTIONS**

Moved by Alderman Reynolds and seconded by Alderman Schneider to pass and place on file **Ordinance 2737:** An Ordinance approving variance on certain premises owned by Timothy

Robey and Cheryl Robey regarding construction of a garage and reducing rear yard setback to 10 feet. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2737:**  
Ordinance approving  
variance on certain  
premises owned by  
Timothy Robey and  
Cheryl Robey regarding  
construction of a garage  
and reducing rear yard  
setback to 10 feet.

Moved by Alderman Demes and seconded by Alderman Reynolds to pass and place on file

**Ordinance 2738:** Prevailing Wage Ordinance. Each and every alderman has a copy.

**ROLL CALL:** AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

**Ordinance 2738:**  
Prevailing Wage  
Ordinance

Attorney McPhedran stated that the ordinance under consideration is more of a housekeeping issue. A supermajority vote is required and there was not a full council at the last meeting, so this ratifies the action taken at the June 4, 2018 meeting.

Moved by Alderman Reynolds and seconded by Alderman Demes to pass and place on file

**Ordinance 2739:** An Ordinance Ratifying and Confirming Ordinance Number 2736 being an Ordinance Authorizing the Lease of Real Estate from Illinois Cement Company, LLC, in the vicinity of the City of La Salle Wastewater Treatment Plant. Each and every alderman has a copy.

**ROLL CALL:** AYE: Mayor Grove, Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Schneider

NAY: None Absent: None Abstain: Alderman Duncan, Alderman Herndon

**Motion Carried 7-0 (2 abstentions)**

**Ordinance 2739: An**  
**Ordinance Ratifying and**  
**Confirming Ordinance**  
**Number 2736 being an**  
**Ordinance Authorizing**  
**the Lease of Real Estate**  
**from Illinois Cement**  
**Company, LLC, in the**  
**vicinity of the City of La**  
**Salle Wastewater**  
**Treatment Plant**

## COMMENTS

Kathy Tomlinson inquired as to the status of the corner house on Sixth and Gooding Street.

Chief Bacidore stated that the property is registered as a vacant building and the fee has been

paid. Attorney McPhedran stated that we can look into this further to see what the status is and to ensure the owner has a plan to remediate the issues. She also inquired about the apartment in the alley between 6th and 7th east of Gooding. Chief Bacidore stated that the property has been cleaned up and the landlord has plans to remodel the building. Kathy Tomlinson also commended Chief Rob Uranich and his department.

Mayor Grove thanked the Ax Church for their help during Hope Week.

#### **APPROVAL OF BILLS**

Moved by Alderman Ptak and seconded by Alderman Lavieri that bills submitted totaling \$442,414.82 (Total Payroll \$193,076.84, Bills to be Paid \$55,263.17, Total Bills Paid \$174,074.81) be accepted, paid and placed on file. Each and every alderman has a copy.

**ROLL CALL:** AYE: Mayor Grove, Alderman Demes, Ptak, Reynolds, Lavieri

NAY: None Absent: None Abstain: None

**Motion Carried 8-0**

Moved by Alderman Reynolds and seconded by Alderman Demes to adjourn the meeting.  
Voice vote, all ayes. Motion is carried.

**ADJOURNED 7:54 p.m.**



Carrie Brown, City Clerk